IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Criminal Writ Petition No.1270 of 2006

Sunita Vijay Sonawane — Petitioner

Vs.

The State of Maharashtra & anr. — Respondents

Mr.Satish L. Maneshinde with Mr.Sayaji D. Nangre for petitioner.

Mr.S.R.Borulkar, P.P. for State.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

October 17, 2006.

ORAL JUDGMENT (PER B.H.MARLAPALLE,J.)

1. In this petition filed under Article 226 read with Article 22 of the Constitution of India, the order of detention dated 19/11/2005 passed by the Commissioner of Police, Brihan Mumbai under Section 3(2) of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offenders and Dangerous Persons Act, 1981 has been challenged and the said order is passed against Shri Vijay Bansi Sonawane. The present petitioner is the detenu's

wife. Admittedly the detention order has been served on the detenu on 29/1/2006 and the detention period is of one year which will, therefore, expire on 28/1/2007. The detention order was approved on 21/11/2005 and a reference under Section 10 of the said Act was made to the Advisory Board on 10/2/2006 i.e. after the detention order was served on 29/1/2006. The Advisory Board recorded its opinion on 14/3/2006 and forwarded to the State Government.

The order of confirmation was passed on 18/2/2006.

2. While challenging the detention order almost the same grounds as were raised in Writ Petition No.1249 of 2006 have been raised. We have considered the affidavits-in-reply filed by the Detaining Authority, the Under Secretary to the Home Department, Government of Maharashtra, Asst. Police Inspector of Wadala Police Station on behalf of the Sponsoring Authority and we have heard Mr. Maneshinde, the learned counsel for the petitioner.

3. For the reasons set out by us in our judgment in Writ Petition No.108 of 2006 rendered yesterday and Writ Petition No.1249 of 2006 rendered today, we find no merit in the challenge to the detention order

dated 19/11/2005.

4. In the result, the petition is dismissed.

Rule discharged.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE